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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS ALBERTO GUERRERO,

Defendant and Appellant.

B216620

(Los Angeles County
Super. Ct. No. VA054608)

APPEAL from an order of the Superior Court of Los Angeles County, Yvonne T. Sanchez, Judge. Affirmed.

Lise M. Breakey, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Luis Alberto Guerrero (defendant) appeals from an order denying his Penal Code section 1016.5, subdivision (b) motion to vacate a September 10, 1999 guilty plea. Defendant contended in the trial court that he was not properly advised of the possible immigration consequences of his plea as required under Penal Code section 1016.5, subdivision (a).

We appointed counsel to represent defendant on appeal. Appointed counsel has filed a brief in which no issues are raised. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442; see *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On January 28, 2010, we advised defendant he had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or argument he wished this court to consider. No response has been received.

After examining the entire record, we conclude that appointed appellate counsel has fully complied with her responsibilities. No argument exists favorable to defendant. (*Smith v. Robbins*, *supra*, 528 U.S. at pp. 277-284; *People v. Wende*, *supra*, 25 Cal.3d at p. 441.) Defendant initialed and signed a plea form containing the statutorily required immigration consequences advisement. He affirmed in writing that he had initialed the advisement and discussed it with his attorney. He affirmed on the record in open court that: he had completed the plea form with his attorney's assistance; he understood the rights on the form; he had initialed the various boxes; and he understood the consequences of pleading guilty. There was no evidence he was misadvised as to the immigration consequences of his plea. In addition, defendant waited more than 9 years—from September 10, 1999 to January 6, 2009—to seek relief and offered no justification for the delay. Under these circumstances, it was not an abuse of discretion to deny his motion to vacate plea. (*People v. Gutierrez* (2003) 106 Cal.App.4th 169, 171-176; *People v. Ramirez* (1999) 71 Cal.App.4th 519, 523; *People v. Quesada* (1991) 230 Cal.App.3d 525, 533-539; see *People v. Hyung Joon Kim* (2009) 45 Cal.4th 1078, 1102, fn. 14.)

The order denying defendant's motion to vacate his plea is affirmed.

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WEISMAN, J.*

We concur:

ARMSTRONG, ACTING P.J.

MOSK, J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.